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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/700,335

Filing Date: November 3, 2003

Applicant: Kmita et al.

Group Art Unit: 3727

Examiner: Gary E. Elkins

Title: VEHICLE ARTICLE CARRIER HAVING STOWABLE CROSS BARS

Attorney Docket: 0210B-000254/CPA

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

PETITION TO WITHDRAW FROM ISSUE UNDER 37 C.F.R. § 1.313

Sir:

The undersigned hereby petitions to withdraw the above-referenced application from issue. A fee in the amount of \$130.00 is enclosed to cover the cost of the petition in accordance with 37 C.F.R. § 1.17(h).

Statement of Facts

The undersigned has been solely responsible for the preparation and prosecution of the present application. The undersigned is also presently overseeing the prosecution of several foreign applications by foreign associates, which foreign applications are foreign counterparts of the present application.

A Notice of Allowability for the present application was mailed on September 30, 2005 by the Office.

On December 14, 2005, the undersigned transmitted payment for the issue fee.

On or about December 26, 2005, the undersigned first reviewed correspondence from a foreign associate in the United Kingdom who is presently assisting the

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undersigned with prosecution of a British patent application that corresponds to co-pending U.S. patent application serial number 10/850,595 (hereinafter the "595 application"), which is related to the present application. This correspondence involved a search report from the U.K. Patent Office. In this search report, French reference FR 2,699,475 was cited.

The undersigned had not seen FR 2,699,475 prior to about December 26, 2005.

After reviewing FR 2,699,475, the undersigned concluded that it should be cited in the '595 application.

On or about January 23, 2006, it came to the attention of the undersigned that the present application was still pending and had not yet issued as a U.S. Letters Patent document. The undersigned immediately contacted an officer, Mr. Donald R. Potter, at the assignee JAC Products, Inc. to discuss the apparent need to cite FR 2,699,475 in the present application. On January 25, 2006, the undersigned received such authorization from Mr. Potter.

Conclusion

The undersigned respectfully petitions that the present application be withdrawn from issue so that the Examiner may consider the relevance of FR 2,699,475. The necessary petition fee, an Information Disclosure Statement and a Request For Continued Examination, together with the needed fee, is also being submitted concurrently herewith.

If there are any questions concerning this matter it is requested that the undersigned be contacted at the earliest convenience.

Respectfully submitted,

Dated: January 27, 2006

By: 

Mark D. Elchuk, Reg. No. 33,686

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